

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

TAMMIE LAMPHERE, Personal
Representative of the ESTATE OF
KRISTOPHOR JOHN LAMPHERE,
deceased, TAMMIE LAMPHERE,
individually, MARISSA CHACON,
individually, by and thru her mother,
TAMMIE LAMPHERE, BRIANA
CHACON, individually, by and through
her mother, TAMMIE LAMPHERE,
LINDA KOLM, Personal Representative
of the ESTATE OF KARL KOLB,
deceased, LINDA KOLB, individually,
BRETT KOLB, individually, DONALD L.
WOMBLE, SR., Personal Representative
of the ESTATE OF DONALD L.
WOMBLE, JR., deceased, DONALD L.
WOMBLE, SR., individually, JEANNE
WOMBLE, individually, KRISTIN
WOOMBLE, individually, by and through
her mother, STACEY L. GARDNER,
AMBER WOMBLE, individually,
DONALD L. WOMBLE, III, by and
through his mother, STACEY L.
GARDNER,

Plaintiffs,

vs.

UNITED STATE OF AMERICA,

Defendant.

CASE NO. 06CV2174-LAB (JMA)
(Consol. w/06cv2175 & 06cv2192)

CLARIFICATION ORDER

It has come to the court's attention not all captions used for filings in the three cases consolidated under low-numbered case 06cv2174-LAB(JMA) reflect that status. As a result, docketing has not proceeded in accordance with the court's January 22, 2007 Consolidation Order, among other inconsistencies. Most recently, the parties in consolidated case Read,

1 et al. v. United States 06cv2175-LAB(JMA) presented a Stipulation For Dismissal of the
2 claims of the plaintiffs in that case (only) which was processed without regard to the
3 consolidated nature of the action (despite the "related cases" reference in the body of the
4 Stipulation), and without referencing the pendency of a Motion in that case that would be
5 mooted by the stipulated dismissal.

6 In consideration of the foregoing, **IT IS HEREBY ORDERED:**

7 1. The parties shall ensure their pleading captions are revised for all future filings
8 to reflect the lead case in this consolidated action is Tammie Lamphere, Personal
9 Representative of the Estate Of Kristophor John Lamphere, deceased et al. v. United States
10 of America 06cv2174-LAB(JMA), Consolidated With Barton Leuser, et al. v. United States
11 of America 06cv2192-LAB(JMA), And James Kirby Read, et al. v. United States of America
12 06cv2175-LAB(JMA).

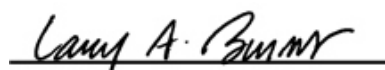
13 2. All further filings in this consolidated action shall be docketed in the low-
14 numbered case, 06cv2174-LAB(JMA), with a prominent notation placed in each of the three
15 dockets to that effect pursuant to this Order.

16 3. The viability of the two other related and consolidated cases is not affected by
17 the Stipulation Of Voluntary Dismissal Of Action the Read case plaintiffs and defendant the
18 United States (06cv2175-LAB(JMA)) filed August 30, 2007, on grounds plaintiffs concede
19 they cannot produce proof they filed administrative claims pursuant to the Federal Tort
20 Claims Act, a necessary prerequisite to the exercise of this court's jurisdiction.

21 4. The court granted the Stipulation For Dismissal of 06cv2175-LAB(JMA), and
22 hereby also **DENIES AS MOOT** defendant's pending Motion To Dismiss the Read Complaint
23 (Dkt No. 14).

24 **IT IS SO ORDERED.**

25 DATED: September 6, 2007

26 

27 **HONORABLE LARRY ALAN BURNS**
28 United States District Judge